

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

DEWEY STEVEN TERRY,

Plaintiff,

v.

BRAD SMITH; *et al.*,

Defendants.

AND RELATED CASES.

No. C-13-1227 EMC (pr)
No. C-13-4102 EMC (pr)
No. C-13-4373 EMC (pr)
No. C-13-4456 EMC (pr)
No. C-14-0340 EMC (pr)
No. C-14-3153 EMC (pr)

**ORDER APPOINTING COUNSEL
FOR A LIMITED SCOPE
REPRESENTATION OF PLAINTIFFS;
AND REFERRING CASES TO
MAGISTRATE JUDGES
FOR SETTLEMENT**

The Court has decided to refer these related actions to two Magistrate Judges for settlement proceedings, and believes that the parties would be best served by having unified settlement proceedings so that perhaps a global settlement of all the claims of all Plaintiffs against all the defendants can be reached. Recognizing that this might be a complicated undertaking, the Court determined that Plaintiffs likely could benefit from the guiding hand of counsel in the settlement proceedings and referred these matters to the Federal Pro Bono Project for counsel to be located for the limited purpose of representing Plaintiffs in connection with the settlement proceedings. The Federal Pro Bono Project has indicated to the Court that attorneys Dylan Ballard, James McGinnis, and Nadezhda Nikonova of the law firm of Sheppard Mullin Richter & Hampton LLP, 17th Floor, Four Embarcadero Center, San Francisco, CA 94111 are willing to be appointed to undertake this representation.

1 Accordingly, attorneys Dylan Ballard, James McGinnis, and Nadezhda Nikonova of the law
2 firm of Sheppard Mullin are hereby appointed as counsel for Plaintiffs for the limited purpose of
3 representing them in connection with settlement proceedings (and preparation therefor) in these six
4 related cases. The appointment will terminate with the conclusion of the settlement proceedings
5 unless (a) counsel is permitted to withdraw or substitute out before the conclusion of those
6 proceedings or (b) counsel requests appointment for further proceedings. Counsel shall be familiar
7 with General Order No. 25 and the Federal Pro Bono Project Guidelines posted on the Court's
8 website.

9 Within **twenty days** of the date of this order, lead counsel from the California Attorney
10 General's office shall contact the attorneys appointed in this order to discuss with them the
11 procedures for attorneys to communicate with prisoners at San Quentin State Prison. The parties are
12 welcome to discuss settlement at any time, but the specific purpose of the communication required
13 in this paragraph is so that the appointed attorneys will be provided the information they may need
14 to be able to meet and communicate by phone and in writing with the Plaintiffs. In the meanwhile,
15 the cases are otherwise **STAYED** pending settlement proceedings unless otherwise stipulated or
16 ordered (*e.g.*, for limited exchange of information/discovery in preparation for settlement
17 conference).

18 The Clerk shall refer this matter to Magistrate Judge Joseph C. Spero and Magistrate Judge
19 Jacqueline Scott Corley for settlement proceedings. The settlement proceedings will take place
20 within **one hundred twenty days** of the date of this order. The Magistrate Judges will coordinate a
21 time and date for a settlement conference with all interested parties and/or their representatives and,
22 **within seven days** of the conclusion of the settlement conference, file with the Court a short report
23 indicating whether the case has settled and if not, whether any further settlement discussions are
24 contemplated. This case is not to be referred to Magistrate Judge Vadas for inclusion in the *Pro Se*
25 Prisoner Mediation Program because Plaintiffs will be represented by counsel during settlement
26 proceedings.

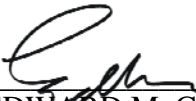
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1 The Clerk shall send (via ECF or by US Mail) a copy of this order to all counsel listed on the
2 docket sheets for these cases, counsel being appointed in this order, and each Plaintiff in these
3 related cases.

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5 IT IS SO ORDERED.

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7 Dated: August 4, 2015

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9 EDWARD M. CHEN
10 United States District Judge
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